UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,741	11/20/2003	David G. Conroy	MSFT121951	8709

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EXAMINER
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ART UNIT	PAPER NUMBER
2454	

NOTIFICATION DATE	DELIVERY MODE
03/05/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	10/717,741	CONROY ET AL.
	Examiner	Art Unit	
	MICHAEL E. KEEFER	2454	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 November 2008</u>.

2a)☒ This action is **FINAL**.　　2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,2,4,5 and 31-53_ is/are pending in the application.

　　4a) Of the above claim(s) _31-53_ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,2,4 and 5_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is responsive to the Amendment filed 11/26/2008.

Election/Restrictions

2.   Newly submitted claims 31-53 are directed to an invention that is independent or
distinct from the invention originally claimed for the following reasons:

      a.   Claims 1, 2, 4, and 5 are Invention I, drawn to a message receiver with
two memory portions integrated upon the message receiver, classified as
709/206.

      b.   Invention II, claims 31-37, is drawn to a method comprising locating a
manager, issuing a create transfer request, and associating the request with a
URI, classified in 709/217.

      c.   Invention III, claims 38-41, is drawn to a method of determining if there is
an intermediary that intercepts a SOAP message, classified in 709/219.

      d.   Invention IV, claims 42-51, is drawn to a method of parsing a SOAP
message, classified in 709/230.

      e.   Invention V, claim 52, is drawn to a system comprising a message
receiver, sender, and intermediary, classified in 709/206.

      f.   Invention VI, claim 53, is drawn to a message format for a SOAP
message, classified 709/230.

3.   Inventions I and II, III, IV, V,and VI are related as combination and
subcombination. Inventions in this relationship are distinct if it can be shown that (1) the
combination as claimed does not require the particulars of the subcombination as

claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not require "wherein the first memory portion and secondary memory portion integrate upon the message receiver", further, it does not even require a first and secondary memory portion. The subcombination has separate utility such as a system backup utility causing files to be copied into a backup memory address on a node.

The examiner has required restriction between combination and subcombination inventions. Where applicant elects a subcombination, and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

4.   Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 31-53 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Objections

5.   Claim 1 is objected to because of the following informalities: in the last line of the

claim, the word "secondary" should be deleted and replaced with the phrase --the

second-- to improve the clarity of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

7.   Claims 1-2 and 4-5 are rejected under 35 U.S.C. 112, first paragraph, as failing

to comply with the written description requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed,

had possession of the claimed invention. The limitation "wherein the first and second

memory portions integrate upon the message receiver" is not found in Applicant's

original specification. The section Applicant points to, [0041] merely states that a node

has pieces of memory and buffers. It does not state that a message receiver receives a

message containing a reference to one of its own memory buffers to copy information

from a first location in its own memory to a different location within its own memory.

Claim Rejections - 35 USC § 103

8.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

9.   Claims 1-2 and 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kuzma in view of Bavadekar (US 2003/0009571).

Regarding **claim 1**, Kuzma discloses:

A message receiver comprising:

a reception device that receives a customizable, tag-based message that

includes a reference to a first memory portion; and a message processor device

that processes the reference in the customizable, tag-based message to cause a

piece of information stored in the first memory portion to transfer to a second

memory portion if the first memory portion contains the piece of information to be

sent and the second memory portion acts as a repository for receiving the piece

of information (Fig. 7 step 705-707 discloses a receiver processing the url and

retrieving the file from the sender's buffer, this inherently includes an HTTP GET

request to the email server including the URL of the attachment.)

Kuzma discloses all the limitations of claim 1 except and the piece of

information stored in the second memory portion to transfer to the first memory

portion if two conditions exist, which first condition specifies that the second memory

portion contains the piece of information to be sent and which second condition

specifies that the first memory portion acts as the repository for receiving the piece

of information, wherein the first memory portion and the second memory portion

integrate upon the message receiver.

The general concept of including a reference to a buffer to which data is to be

sent in a message and the server moving a data file to be sent into another memory

location before sending it is well known in the art as taught by Bavadekar. (see at least paragraph 90, which discloses a request for data being sent to a server, as the data is properly returned to the requestor, a place to send the data must inherently be included in the request. See also Figure 5B where Message 260A is moved into buffer 222 before it is sent back to the requestor.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Kuzma with the general concept of including a reference to a buffer to which data is to be sent in a message as taught by Bavadekar in order to provide reliable full duplex virtual connections between entities.

Regarding **claim 2, as applied to claim 1**, Kuzma discloses:

wherein the customizable, tag- based message includes a body element for containing data, the body element including the reference to the first buffer. (Fig. 6, item 625)

Regarding **claim 4 as applied to claims 1**, Kuzma discloses:

wherein the customizable, tag-based message includes a header element for containing control information. (the message must inherently include a header specifying to whom the message is being sent (i.e. control information)

Regarding **claim 5 as applied to claims 1 and 4**, Kuzma discloses:

wherein the customizable, tag-based message is sent from the message sender to the message receiver via a customizable, tag-based protocol. (http is a customizable, tag-based protocol, Fig. 6, 610 and 620)

Response to Arguments

10.   Applicant's arguments filed 11/26/2008 have been fully considered but they are

not persuasive.

11.   Applicant argues that neither Kuzma nor Bavadekar teach or disclose the

limitation "wherein the first memory portion and the second memory portion integrate

upon the message receiver". The Examiner disagrees. Kuzma discloses sending http

get messages to retrieve attachments from emails (which must include the url of the

item the sender is trying to retrieve). Bavadekar teaches an HTTP data server that takes

information from storage and moves it into a sending buffer upon receiving a message

that requests the data (See Figure 5B where Message 260A is moved into buffer 222

before it is sent back to the requestor.) Therefore, the combination of Bavadekar and

Kuzma teaches the reception of a message containing a reference to a memory location

on the server, and transferring information from that memory location to another

memory location integrated upon the same device.

Conclusion

12.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MICHAEL E. KEEFER whose telephone number is

(571)270-1591. The examiner can normally be reached on Monday through Friday

9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MEK 2/26/2009

/Dustin Nguyen/
Primary Examiner, Art Unit 2454